

The government says (77):

- (1) Du Pont's current technical information was acquired as a result of the unlawful combination.
- (2) Technical information acquired by du Pont prior to 1940, when the exchange with National Lead ceased, is a prerequisite to technical information subsequently acquired.
- (3) No segregation of technical information before and after 1940 can be made.

There is no evidence supporting these extraordinary statements. The government not only has no findings to support them but never even asked for such findings. It does not now even cite record references.

If the facts established what the government asserts, that would be one thing; but they do not. All evidence is to the contrary, for competitors have entered the industry and successfully competed without *any* du Pont technical information, and the industry is now by the government's own admissions mature (Gov'ts Brief No. 89, pp. 32, 52). The art essential to basic manufacture is well known and publicized; many basic patents have expired, and obviously experienced and trained personnel is available.

Respectfully submitted,

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